

Waste Disposal Act

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Environmental Protection Administration of the Republic of China on Taiwan

English Translation¹

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Chapter 1: General Provisions

Article 1

The purpose of this Act is to effectively clear away² and dispose of wastes, improve sanitation and protect the health of the people; for matters not provided for herein, other relevant laws and regulations apply.

¹ Translators' note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of this Act.

In translating this Act, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of this Act, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

² The Chinese term *ching chu*, effectively translated as "clear away," may be literally translated to include "collection and transportation/removal" of waste.

Article 2

The term “waste” as used in this Act includes the following types:

1. “General wastes.” These wastes include garbage, excrement and urine, animal corpses, or other solid or liquid wastes that have capacity to pollute the environment and are generated by non-industrial organizations.
2. “Industrial wastes.” These include:
 - (1) “hazardous industrial wastes,” generated by industrial enterprises, that contain toxic or dangerous substances in a sufficient concentration or quantity to endanger human beings or pollute the environment;
and
 - (2) “general industrial wastes,” generated by industrial enterprises, that include wastes other than hazardous industrial wastes.

The identification criteria for hazardous industrial wastes mentioned in Section 1 shall be promulgated by the Responsible Agency at the central government level after consultation with the Responsible Agency for the Enterprise Associated with the Industry at Issue at the central government level.³

Ionizing radioactive waste shall be disposed of in accordance with Section 10 of Article 26 of the Atomic Energy Act.

Article 3

The phrase “designated clearance area,” used in this Act, refers to an area designated by the Implementing Agency as requiring clearing for sanitation purposes.

Article 4

“Responsible Agency” refers to: the Environmental Protection Administration under the Executive Yuan at the central government level (“TEPA”); the provincial

³ Such as the Ministry of Economics.

government at the provincial (or municipal) government; or the county (or city) government at the county (or city) level.⁴

Article 5

“Implementing Agency” refers to: the Environmental Protection Bureau of a municipal government, the city governments under the jurisdiction of provincial governments,⁵ and the town governments.

The Implementing Agency mentioned in the above Section shall establish a special unit with exclusive responsibility for clearing away and disposal of wastes and inspection of waste management activities.

Article 6

The Responsible Agencies at the municipal and county (or city) levels, in order to jointly establish waste disposal sites, may propose measures for the establishment and management of such sites and submit these measures to the superior Responsible Agency for approval.

Chapter 2: Disposal of General Waste

Article 7

General wastes shall be cleared away in accordance with the provisions listed below. Remaining wastes that are not cleared away in accordance with these provisions shall be cleared away by the Implementing Agencies.

1. Wastes associated with land and buildings that constitute a public sanitation concern shall be cleared away by the owners, managers, or users;
2. Wastes associated with arcades or sidewalks adjacent to land or buildings that

⁴ Translators’ note: Under the jurisprudence of the Republic of China, there are three levels of government: central, provincial/municipal and county/city. At the time of this translation (May 1998), only two municipalities exist: Taipei and Kaohsiung.

⁵ Taiwan’s legal system provides for the existence of Taiwan *and* Fujian provincial governments.

- constitute a public sanitation concern shall be cleared away by the owners, managers, or users of the land or buildings;
3. Wastes associated with roads or public lands for special uses shall be cleared away by the users;
 4. Wastes associated with abandoned buildings destroyed by fire or other disasters shall be cleared by the owner or manager; in the event that the owners or managers are unable to clear away the wastes, the clearing shall be conducted by the Implementing Agencies.
 5. Wastes associated with demolished buildings shall be cleared away by the original owners, managers, or users;
 6. Wastes associated with poultry and livestock excrement left on roads or other public places shall be cleared away by the owners or custodians;
 7. Wastes associated with cesspools shall be cleared away by the owners, managers, or users;
 8. Wastes associated with public alleys, pavements and drains with a width of less than four meters, shall be cleared away by residents at both sides; and
 9. Wastes associated with traffic islands, greenswards, parks and other public places, shall be cleared away by relevant management organizations.

Article 8

The transport and storage of general wastes, as well as the tools, equipment and methods used for clearing away and disposal of general wastes, shall comply with regulations set by the Responsible Agencies or the Implementing Agencies.

Article 9

The Implementing Agencies at all levels of government shall consider actual needs when establishing storage facilities at appropriate sites and public places.

Article 10

The Implementing Agencies shall collect and transport general wastes and dispose of the wastes in sanitary manner. If necessary, the Implementing Agencies shall acquire authorization from superior Responsible Agencies before delegating general waste collection, transportation and disposal responsibilities to publicly or privately owned waste management organizations.

Article 10-1

Manufacturers, importers and sellers of articles, packaging, or containers, which, after consumption, may produce waste and seriously pollute the environment, shall be responsible for the collection, clearing away and disposal thereof if such waste:

1. is not easily cleared away or disposed of;
2. contains components that are not readily biodegradable;
3. contains hazardous substances; or
4. possesses recycling or reuse value.

Categories for general wastes mentioned in the above Section and the scope of industries covered by the above Section shall be promulgated by the Responsible Agency at the central government level; measures for collecting, clearing away and disposing of each type of general waste shall be promulgated by the Responsible Agency at the central government level in consultation with Responsible Agency for the Enterprise Associated with the Industry at Issue at the central government level.

Industries designated under the above Section shall register with the Responsible Agency at the central government level. In addition, manufacturers shall submit Collection-Clearance-Disposal Fees (“Recycling Fees”) in accordance with business volume and a rate decided by the Responsible Agency at the central government level; importers shall submit Recycling Fees in accordance with importation volume reported to the General Customs Bureau, the type of container, etc., and a rate decided by the Responsible Agency at the central government level; manufacturer and importer Recycling Fees shall be submitted prior to reporting and paying periodic sales tax. These Recycling Fees shall be deposited into a Resource Recycling Management Fund (“Recycling Fund”); collection, payment, safekeeping and use of

the fees shall be entrusted to a financial organization [(foundation)]. Measures for collection, payment, safekeeping and use of fee monies shall be promulgated by the Responsible Agency at the central government level. The Recycling Fund shall be used: to pay for the actual cost of collection, clearance and disposal of wastes; to subsidize the establishment of a recycling system and widespread use of recycled products; to reimburse Implementing Agencies for waste clearance; to pay for the cost of certifications conducted by third parties selected by the Responsible Agency at the central government level; and for other uses approved by the Responsible Agency at the central government level.

The Responsible Agency at the central government level may, on its own or via a qualified agent, conduct inspections and collect relevant data regarding the sales volumes, recycling volumes and disposal volumes reported by designated industries. When necessary, the Responsible Agency at the central government level may request inspection assistance from the local tax administration office.

Labels on articles, packaging or containers mentioned in Section 1, and the recycling facilities to be established in accordance with the type and size of seller, shall be decided by the Responsible Agency at the central government level.

The rates for Recycling Fees shall be decided by taking the following into consideration: material type; container capacity; weight; recycling or reuse value; and collection, clearance and disposal rate (*i.e.*, recycling rate). The Responsible Agency at the central government level shall promulgate measures for establishing a Recycling Fee Rate Review Committee.

The Responsible Agency at the central government level may prohibit or restrict the manufacture, importation, or sale, via public announcement, of articles, packaging, or containers which may seriously pollute the environment.

Collective recycling organizations organized by industries prior to the effective date of the Amendment [of this Act] shall immediately cease waste recycling operations for commercial purposes; remaining Recycling Fees deposited in various funds established in accordance with relevant laws and regulations prior to the effective date of the Amendment shall be transferred to the Recycling Fund within one (1) year of the passage of the Amendment.

Article 11

The Implementing Agencies may collect fees from residents within designated clearance areas in order to conduct the clearance and disposal of general wastes.

Fee rates and fee collection measures referred to above shall be promulgated by the Responsible Agency at the central government level taking into consideration the costs of clearance methods and disposal facilities used by local governments.

Article 12

The following behavior is strictly prohibited in designated clearance areas:

1. expectoration (including expectoration of betel nut juice and dregs), or discarding waste paper, cigarette butts, gum, fruit peels, nutshells, fruit juice and dregs, and other general wastes;
2. pollution of grounds, ponds, ditches, walls, beams, poles, trees, roads, bridges, or other fixed objects;
3. uncovering or piling up of wastes detrimental to sanitation on roadsides, roofs, or outside houses;
4. scavenging wastes on waste clearance, disposal and storage equipment, facilities, or sites;
5. discarding hot ash, dangerous chemicals, or explosives in waste storage facilities;
6. discarding animal corpses in places other than waste storage facilities;
7. urinating in the open;
8. discarding miscellaneous objects in ditches;
9. raising poultry or livestock so as to cause sanitation problems;
10. posting or painting advertisements on fixed objects; and
11. other behavior designated by the Responsible Agency by public announcement.

Chapter 3: Disposal of Industrial Waste

Article 13

Enterprises generating industrial wastes shall be responsible for the clearance and disposal of the wastes or shall delegate this responsibility to publicly or privately owned waste management organizations.

If the general industrial wastes of the industrial wastes mentioned in the above Section can be cleared away and disposed of together with general wastes, the enterprise may choose to pay Implementing Agencies to clear away and dispose of these wastes.

Hazardous industrial wastes shall not be combined with general wastes and general industrial wastes for clearance and disposal.

Article 14

The Responsible Agency at the central government level may, in conjunction with the Responsible Agency for the Enterprises Associated with the Industry at Issue, establish proper facilities for the storage, clearance, or disposal of hazardous industrial wastes that require special disposal technologies and collect fees for the cost of storage, clearance, or disposal.

The hazardous industrial wastes mentioned in the above Section shall be designated by the Responsible Agency at the central government level, in conjunction with the Responsible Agency for the Enterprises Associated with the Industry at Issue, by public announcement.

Article 15

The methods of and facilities for storage, clearance and disposal of hazardous industrial wastes shall comply with regulations promulgated by the Responsible Agency at the central government level.

Article 16

Industrial enterprises or publicly and privately owned waste management organizations shall maintain detailed records of the storage, clearance and disposal of hazardous industrial wastes, and submit periodic reports to Responsible Agencies at the municipal or county (city) government levels for reference.

Article 17

The Responsible Agencies may inspect hazardous industrial waste storage, clearance and disposal operations. When necessary, the Responsible Agencies may collect samples and request relevant documents; when violations are discovered, the Responsible Agencies may request improvements within a specified time period.

Inspectors conducting inspections mentioned in the above Section shall present identification prior to commencing inspections.

Article 18

The import, export, or reuse of hazardous industrial wastes shall be subject to prior approval by the Responsible Agency at the central government level.

Article 19

In the event that industrial enterprises or publicly or privately owned waste management organizations endanger human health or agricultural or fishery operations while storing, clearing, or disposing of industrial wastes, Responsible Agencies shall immediately order that such enterprises or organizations make improvements and take emergency measures and, if necessary, may suspend particular operations or terminate business.

Chapter 4: Management of Publicly or Privately Owned Waste Management Organizations

Article 20

Publicly or privately owned waste management organizations shall list professional technicians, equipment, methods, facilities and sites used for storage,

clearance and disposal and submit the list to the Responsible Agency at the local government level when applying for a permit. The Responsible Agency at the local government level shall obtain approval from the Responsible Agency at the central government level prior to granting a permit for storage, clearance and disposal of hazardous industrial waste.

Article 21

Measures for the management and guidance of publicly and privately owned waste management organizations, as well as qualification standards for professional technicians, shall be promulgated by the Responsible Agency at the central government level.

Chapter 5: Awards and Penalties

Article 22

Those complying with the relevant provisions of this Act and achieving good performance shall be awarded. Measures for granting awards shall be promulgated by the Responsible Agency at the central government level.

Article 23

Under any of the following circumstances, a fine of between four hundred (400) and one thousand five hundred (1,500) New Taiwan Dollars (NTD) shall be imposed and an order for compliance within a specified time period shall be issued and, if the violation continues after the end of the specified time period, continuous daily fines shall be imposed:

1. clearing away general waste in violation of Items 1 to 7 of Article 7;
2. clearing away and disposing of general waste in violation of Article 8; or
3. a violation of any Item prescribed under Article 12.

Article 23-1

Continued failure to pay Recycling Fees in accordance with Section 3 of Article 10-1, after expiration of the time period specified for payment, shall be referred to the courts for enforcement; upon such a referral, a court may assess a noncompliance penalty of between one-to-two (1-2) times the amount due. Submission of false or inaccurate Recycling Fee calculation data shall be referred to the courts for enforcement; upon such a referral, a court may require payment of the original amount due, as well as assess a noncompliance penalty of one-to-three times the original amount due. If the submission of false or inaccurate data incurs criminal responsibility, then the matter shall be referred to the appropriate criminal prosecution and investigation authorities. For violations of other sections of Article 10-1, a penalty of between twenty thousand (20,000) and fifty thousand (50,000) NTD shall be imposed and an order for compliance within a specified time period shall be issued and, if the violation continues after the end of the specified time period, then continuous daily fines shall be imposed.

Serious noncompliance situations shall result in orders to suspend business for a time period of between one (1) month and one (1) year, or partially or completely suspend particular operations.

Article 24

Anyone storing, clearing away, or disposing of general industrial waste in violation of Article 50 shall be assessed a fine of between two thousand (2,000) and ten thousand (10,000) NTD. If the violation continues after the end of the specified time period for improvement, continuous daily fines shall be imposed.

Article 25

Under any of the foregoing circumstances, a fine of between twenty thousand (20,000) and fifty thousand (50,000) NTD shall be imposed and an order for compliance within a specified time period shall be issued and, if the violation continues after the end of the specified time period, then continuous daily fines shall be imposed; serious noncompliance situations shall result in orders to suspend business, or partially or completely suspend particular operations:

1. violations of Section 3, Article 13;

2. storage, clearance, or disposal of hazardous industrial waste in violation of Article 15; and
3. violations of Article 18.

Article 26

In cases where industrial enterprises are in noncompliance with suspension orders, the Responsible Agency at the local government level may refer the cases to the Responsible Agency at the central government level which will submit a request for issuance of a cessation order to the Responsible Agency Associated with the Industry at Issue.

In cases where publicly or privately owned waste management organizations are in noncompliance with suspension orders, the Responsible Agency at the local government level may refer the cases to the Responsible Agency at the central government level for issuance of a cessation order.

Article 27

Publicly or privately owned waste management organizations that violate Article 20 shall be punished by a fine of between twenty thousand (20,000) and fifty thousand (50,000) NTD and be prohibited from continuing business.

Article 28

Publicly or privately owned waste management organizations that violate Article 8, or the measures for the management and guidance promulgated in accordance with Article 21 of this Act, shall be assessed a penalty of between two thousand (2,000) and five thousand (5,000) NTD and an order for compliance within a specified time period shall be issued and, if the violation continues after the end of the specified time period, then continuous daily fines shall be imposed.

Article 29

Anyone violating Article 16, or refusing, interrupting, or evading without justification, the inspections, sampling, or data collection prescribed under Section 1 of Article 17, shall be assessed a penalty of between four thousand (4,000) and ten

thousand (10,000) NTD.

Article 30

Anyone refusing to show identification upon request of an inspector shall be assessed a penalty of between two hundred (200) and five hundred (500) NTD.

Article 31

Penalties imposed in accordance with this Act shall be enforced by the Implementing Agencies; in situations of Implementing Agency nonfeasance, the Responsible Agencies at the superior level of government may enforce the Act on behalf of the Implementing Agencies.

Article 32

Penalty and criminal responsibility aspects of a particular case shall be separately addressed.

Article 33

Failure to pay fines imposed in accordance with this Act shall be referred to the courts for enforcement.

Chapter 6: Supplementary Provisions

Article 34

The Responsible Agencies or Implementation Agencies may clear away or dispose of any wastes not cleared away or disposed of in accordance with the provisions of this Act and may collect fees related to the clearance and disposal from the relevant owners, users, or managers.

Article 35

The Implementation Rules for this Act shall be proposed by the Responsible Agency for this Act at the provincial (or municipal) government level and submitted

to the Responsible Agency at the central government level for approval.

Article 36

This Act shall come into force upon the date of promulgation.